

Senate File 2239 - Introduced

SENATE FILE 2239
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3104)

A BILL FOR

1 An Act establishing a criminal penalty for violent repeat
2 offenders, reducing earned time for offenders required
3 to participate in batterers' education under certain
4 circumstances, providing for risk assessments, and relating
5 to electronic tracking and monitoring.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 901.2, subsection 2, paragraph d, Code
2 2016, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) A risk assessment when the offense
4 is a domestic abuse assault in violation of section 708.2A, or
5 harassment in violation of section 708.7.

6 Sec. 2. Section 901.3, Code 2016, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 1A. The performance of a risk assessment
9 shall be required as part of a presentence investigation under
10 subsection 1 for domestic abuse assault in violation of section
11 708.2A, harassment in violation of section 708.7, or stalking
12 in violation of section 708.11.

13 Sec. 3. NEW SECTION. 903A.8 **Violent repeat offender.**

14 1. A violent repeat offender is any person convicted of a
15 felony offense under chapter 707, 708, 709, 710, 711, or 713,
16 who has previously been convicted of any two felony violations
17 under chapter 707, 708, 709, 710, 711, or 713.

18 2. Notwithstanding subsection 1, a person shall not be
19 considered to be a violent repeat offender if the conviction
20 that would otherwise make the offender a violent repeat
21 offender is a conviction for murder in the second degree in
22 violation of section 707.3, attempted murder in violation of
23 section 707.11, sexual abuse in the second degree in violation
24 of section 709.3, kidnapping in the second degree in violation
25 of section 710.3, robbery in the first degree in violation of
26 section 711.2, or robbery in the second degree in violation
27 of section 711.3. However, a prior conviction for murder in
28 the second degree in violation of section 707.3, attempted
29 murder in violation of section 707.11, sexual abuse in the
30 second degree in violation of section 709.3, kidnapping in the
31 second degree in violation of section 710.3, robbery in the
32 first degree in violation of section 711.2, or robbery in the
33 second degree in violation of section 711.3 shall be counted
34 as a previous conviction in determining whether a person is a
35 violent repeat offender due to the most recent conviction.

1 3. An offense is a felony if, by the law under which the
2 person is convicted, it is so classified at the time of the
3 person's conviction.

4 4. For purposes of this section, felony conviction
5 includes any felony conviction in another jurisdiction that is
6 comparable to a felony listed in subsection 1 or any conviction
7 under the prior laws of this state or another jurisdiction,
8 that is comparable to a felony conviction listed in subsection
9 1.

10 Sec. 4. Section 903A.2, subsection 1, paragraphs a and b,
11 Code 2016, are amended to read as follows:

12 a. (1) Category "A" sentences are those sentences which
13 are not subject to a maximum accumulation of earned time of
14 fifteen percent of the total sentence of confinement under
15 section 902.12 and those sentences which are not violent
16 repeat offender sentences under section 903A.8. To the extent
17 provided in subsection 5, category "A" sentences also include
18 life sentences imposed under section 902.1. An inmate of an
19 institution under the control of the department of corrections
20 who is serving a category "A" sentence is eligible for a
21 reduction of sentence equal to one and two-tenths days for each
22 day the inmate demonstrates good conduct and satisfactorily
23 participates in any program or placement status identified by
24 the director to earn the reduction. The programs include but
25 are not limited to the following:

- 26 ~~(1)~~ (a) Employment in the institution.
- 27 ~~(2)~~ (b) Iowa state industries.
- 28 ~~(3)~~ (c) An employment program established by the director.
- 29 ~~(4)~~ (d) A treatment program established by the director.
- 30 ~~(5)~~ (e) An inmate educational program approved by the
31 director.

32 (2) (a) ~~However, an~~ An inmate required to participate in
33 a sex offender treatment program shall not be eligible for a
34 reduction of sentence unless the inmate participates in and
35 completes a sex offender treatment program established by the

1 required to participate in batterers' education under certain
2 circumstances, provides for risk assessments, and relates to
3 electronic tracking and monitoring.

4 If a presentence investigation is required prior
5 to sentencing, the bill requires that the presentence
6 investigation include a risk assessment of the offender, if the
7 offender was convicted of domestic abuse assault in violation
8 of Code section 708.2A, harassment in violation of Code section
9 708.7, or stalking in violation of Code section 708.11.

10 The bill specifies that an offender placed on probation,
11 parole, or work release, or any other type of conditional
12 release for domestic abuse assault in violation of Code section
13 708.2A, harassment in violation of Code section 708.7, stalking
14 in violation of Code section 708.11, or for a violation of any
15 other type offense, may be supervised by an electronic tracking
16 and monitoring system for a period of time to be determined by
17 the court.

18 Under the bill, a violent repeat offender is any person
19 convicted of a more serious felony under Code chapter
20 707 (homicide), 708 (assault), 709 (sexual abuse), 710
21 (kidnapping), 711 (robbery and extortion), or 713 (burglary)
22 who has twice before been convicted of any felony violation
23 under those Code chapters.

24 An offender who is serving a violent repeat offender
25 sentence under the bill is only eligible for a reduction of
26 sentence equal to fifteen eighty-fifths of a day for each
27 day of good conduct by the offender. Most other offenders
28 are eligible for a reduction of sentence equal to one and
29 two-tenths days for each day the inmate demonstrates good
30 conduct. The fifteen eighty-fifths of a day for each day
31 of good conduct by a repeat violent offender equals the same
32 rate of reduction of sentence for an offender who is serving
33 a 70 percent sentence under Code section 902.12. However, an
34 offender serving a violent repeat offender sentence is not
35 required to serve seven-tenths of the maximum term of the

1 sentence prior to being eligible for parole or work release as
2 an offender serving a 70 percent sentence is required to serve.
3 In order to preserve the service of a 70 percent sentence by
4 an offender, a person shall not be a violent repeat offender
5 if the most recent conviction that would otherwise make the
6 offender a violent repeat offender is a conviction for murder
7 in the second degree in violation of Code section 707.3,
8 attempted murder in violation of Code section 707.11, sexual
9 abuse in the second degree in violation of Code section 709.3,
10 kidnapping in the second degree in violation of Code section
11 710.3, robbery in the first degree in violation of Code section
12 711.2, or robbery in the second degree in violation of Code
13 section 711.3. However, a prior conviction for murder in the
14 second degree, attempted murder, sexual abuse in the second
15 degree, kidnapping in the second degree, robbery in the first
16 degree, or robbery in the second degree shall be counted as
17 a previous conviction in determining whether a person is a
18 violent repeat offender.
19 The bill provides that an inmate at a correctional
20 institution who is required to participate in a batterers'
21 education program is not eligible for a reduction of sentence
22 under Code section 903A.2(1)(a) unless the inmate participates
23 in and completes the batterers' education program established
24 by the director of the department of corrections.